

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HyperCube LLC and KMC Data LLC)	
)	
Plaintiffs,)	
)	C. A. No. 07-822-GMS
v.)	
)	
Qwest Communications Corporation)	
)	
Defendant.)	
)	

**DEFENDANT'S MOTION TO TRANSFER PROCEEDING
TO THE DISTRICT OF COLORADO PURSUANT TO 28 U.S.C. §1404(a)**

Defendant Qwest Communications Corporation ("Qwest"), by and through its undersigned counsel and pursuant to 28 U.S.C. §1404(a), hereby moves this Court for an Order, in a form substantially similar to the proposed order attached hereto, to transfer the above-captioned action to the United States District Court for the District of Colorado. The grounds for this motion are set forth in Defendant's Opening Brief In Support of Its Motion to Transfer Proceeding to Colorado Pursuant to 28 U.S.C. §1404 and the Declarations of Derek Canfield and Amy L. Benson, filed contemporaneously herewith. Along with the instant Motion, Qwest is simultaneously filing a Motion to Stay this Proceeding Pending Resolution of a Parallel State Court Proceeding and a Motion to Dismiss Counts II, III, IV and V of Plaintiffs' Complaint with prejudice for failing to state a claim upon which relief may be granted. Qwest respectfully requests that the Court decide this Motion to Transfer this case to Colorado before deciding the Motion to Dismiss or the Motion to Stay.

Of Counsel:

Timothy R. Beyer

Amy L. Benson

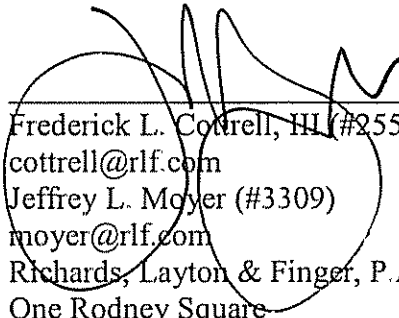
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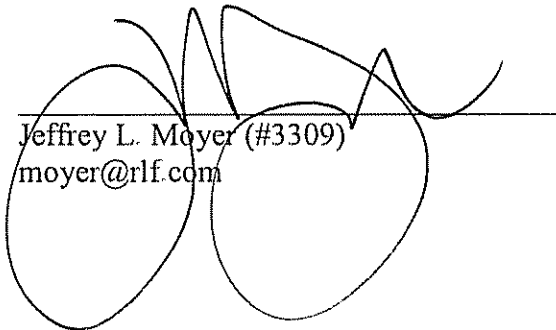
Qwest Communications Corporation

Dated: January 22, 2008

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2008, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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ORDER

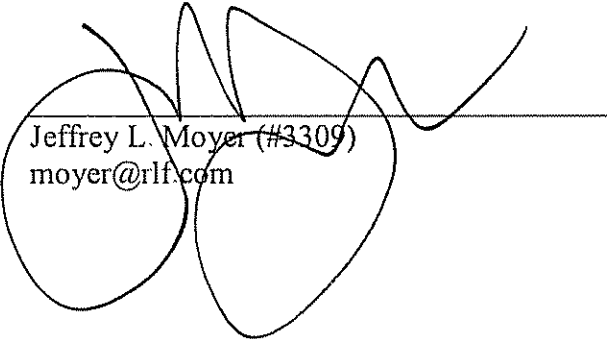
The Court, having considered Defendant's Motion to Transfer the Proceeding to the District of Colorado Pursuant to 28 U.S.C. §1404 (the "Motion") and the briefing and argument related thereto,

IT IS HEREBY ORDERED this ____ day of _____, 2008, that the Motion is GRANTED.

United States District Judge

CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1

Pursuant to District of Delaware Local Rule 7.1.1, the undersigned counsel hereby certifies that he has consulted with counsel for Plaintiff and has confirmed that the Plaintiff will not consent to the relief sought by the instant Motion.



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